cannot be *made at all*, or whether it can be made *subject* to *compensation*. I think the correct reply to this question is that compensation is applied according to the judgment of the Forest Settlement Officer, with recourse to appeal and to revision by the Local Government. It would be for him to judge. If he thought the forest officers had convinced him that the change of management or the improvement was one which was greatly to the public benefit, he would commute the right; if not, he would require the exercise of the right to be provided for in the forest.

§ 7.—*Case of an aggregate of rights.*

Lastly, under this head, a question may arise as to the procedure in limiting rights *in the aggregate*. Supposing it to be determined that such an area of the forest only can be open to grazing and that so much wood only can be cut out of it. It may be that any one right-holder by himself, has a right which might easily be satisfied; but he is not the only man, perhaps a hundred others have also similar rights, and the aggregate it is impossible to supply.

Under the Saxon law[2], respect is had to the date of the acquisition of the rights; the oldest are served first, and then the later ones have to be curtailed.

This principle could hardly be adopted in India, and probably all would have to be curtailed rateably. Whether that curtailment would be such as amounted to a reasonable limitation, or was so serious as to be a real infraction of the right itself, is a question of fact. If the latter, the forest cannot be ruined, and compensation must be paid and the right got rid of.

SECTION III.—PRINCIPLES OF REGULATION APPLIED TO DIFFERENT CLASSES OF RIGHTS.

§ 1.—*Classification of forest rights.*

I shall at once proceed to the application of this principle, and

[2] Bürgerliche-Gesetzbuch (§ 529).

show how it is right and proper to regulate the different kinds of forest rights conformably to the principle.

Properly speaking, this section should be introduced at the point where I come to speak of the provisions of the Indian Forest law, regarding the Settlement Officer's action in recording orders for the exercise of rights inside the forest. But to do so would be to introduce a long episode, which would break the thread of the narrative of the steps to be taken for constituting a permanent or 'reserved' forest which I desire to retain unbroken. I therefore, as a preliminary matter, dispose of the "regulation" of each kind of forest right.

The European text-books[3] classify these rights variously, according to the history of the subject and the nature of the rights which are customary.

For the purpose of this Manual it will be most convenient to deal with forest rights in the following order:—

(*A*) Grazing (or pasture).

(*B*) Grass-cutting.

(*C*) Lopping boughs and gathering leaves.

(*D*) Wood rights (classified under their several kinds).

[3] For example, Hartig's classification (Forst und Jagdarchiv Jahrgang, Vol. I, as quoted in Rönne, Die Verfassung, &c. des Preussichen Staates, 1854, Part 9; Abtheil I Forst und Jagd Wesen, pp. 716-749) is: I, wood-rights; II, grazing; III, grass-cutting; IV, "streu" (including the collection of heather, broom, turf, moss, &c., as well as dead leaves on the surface); V, rights to collect resin; VI, hunting; VII, digging for stones, limestone, loam, clay, &c.; VIII, rights to use of water and fishing; IX, rights of way; X, right of cattle-way.

Meaume, while stating that rights of user (*droits d'usage*) "may be as various as the wants and will of man," classifies the practically prevailing rights under two heads—*wood* rights and *pasturage*. Other rights are not specifically alluded to even in the Code. The right to collect *humus* (*streunutzung*), which occupies such a large space in most German books, and is indeed a very serious right, as involving the interference with the surface soil, is not alluded to. *Eding* deals with rights in the following order: I, grazing rights, including cutting grass and taking *leaves* for fodder (not lopping boughs, which is not recognised); II, rights of way; III, rights to dead leaves, &c, "streu;" IV, wood rights, sub-divided into building wood, industrial wood, firewood, dead wood, windfall and stumps; V, right to resin.

(*E*) Rights to scrape up dead or decayed leaves from the forest soil for litter or manure.

(*F*) Rights to other forest produce, *i.e.*, collecting honey and wax, flowers, fruits, seeds and plants, bark, resin, wood-oil, varnish, gum; digging gravel, laterite, limestone, clay, &c.; manufacturing "kutch" or catechu; and burning charcoal, lime, and "surkhi."

(*G*) Hunting and fishing.

(*H*) Under this heading I shall treat of the temporary and shifting cultivation called "kúmri," "júm," "bewar," "toungyá," and by other names in various parts of India and Burma. It may be doubted whether there is a strict right to this, but under many circumstances it is *analogous* to a right, and this is the most convenient place to treat of the practice.

All these rights will probably become, in one place or another, the subject of claims before the Settlement Officer. Wood rights and claims to pasture are, however, the commonest and the most extensive.

§ 2.—*The regulation of forest rights, how to be carried out.*

The general principle of the limitability of rights being established in the manner explained, the student will readily understand that the practice of countries in which natural forests have long been under rational management, has established certain principles of limitation for each class of rights so as to enable these rights to co-exist with the normal management of the forest.

Many of these principles will commend themselves as inherently reasonable, and should be studied as affording a practical guide in the work of settling rights in India.

We have not yet a body of rules, or decided cases of our own; we can therefore only argue from the analogy of the rules which have been found practicable and fair in other countries.